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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

IN RE: APPLICATION OF THE UNITED  
STATES OF AMERICA FOR ORDER  
PURSUANT TO 18 U.S.C. § 2703(d)

**UNDER SEAL**

Case No. 1:20-DM-00012 (AJT)

**WARNER MEDIA'S CONSENT MOTION TO EXTEND STAY  
OF JUDGE BUCHANAN'S OCTOBER 26, 2020 ORDER**

Warner Media, LLC respectfully moves the Court to extend the stay of Judge Buchanan's order of October 26, 2020, through the hearing on Warner Media's Objections to and Appeal from Magistrate Judge's Denial of Motion to Quash or Modify Order Issued Pursuant to 18 U.S.C. § 2703(d). Judge Buchanan ordered Warner Media to comply with the § 2703(d) order in this matter by November 2, 2020, but stayed her order through December 2, 2020 to permit Warner Media to appeal. Counsel for the government have stated that the government does not oppose this motion to extend that stay through this Court's motion hearing date, currently proposed for December 16, 2020. In support of its motion, Warner Media states as follows:

1. On July 17, 2020, Warner Media was served with an order under 18 U.S.C. § 2703(d), requiring Warner Media to produce records and other information related to the email account "Barbara.starr@turner.com" for the period between June 1, 2017 to July 31, 2017 ("July Order"). That account belongs to Barbara Starr, a veteran national security reporter at CNN. The § 2703(d) order captures information relating to more than 34,000 communications, of which about 26,000 are wholly internal to CNN or Warner Media.

2. On September 11, 2020, Warner Media filed a motion requesting that the Court quash the July Order or, at a minimum, narrow the July Order to compel the production of only

information that is reasonably likely to be relevant to the government's investigation.

3. On October 7, 2020, Judge Buchanan granted Warner Media's motion and ordered the government to submit a proposal to narrow its search of records related to the relevant account.

4. On October 9, 2020, instead of submitting such a narrowed proposal, the government filed a motion for reconsideration of Judge Buchanan's October 7, 2020 order and submitted *ex parte* classified information in support of its motion.

5. On October 26, 2020, Judge Buchanan granted the government's motion for reconsideration and ordered Warner Media to comply with the July Order by November 2, 2020.

6. On October 30, 2020, Warner Media filed a motion requesting Judge Buchanan to stay her October 26, 2020 order pending Warner Media's appeal to this Court.

7. On November 2, 2020, Judge Buchanan stayed her October 26, 2020 order for 30 days, *i.e.*, until December 2, 2020.

8. On November 9, 2020, Warner Media filed with this Court its objections to and appeal from Judge Buchanan's October 26, 2020 order denying its motion to quash. That brief explains that the § 2703(d) order in this matter would compel Warner Media to disclose information about thousands of communications that are not relevant to the government's investigation but that concern core First Amendment activity, including CNN's newsgathering and editorial processes.

9. On November 13, 2020, the government filed a motion requesting a one-week extension to file its brief in response to Warner Media's objections to Judge Buchanan's October 26, 2020 order, as well as a two-week extension of the proposed hearing date. With this extension, briefing will not be completed on Warner Media's objections, nor will the motion be

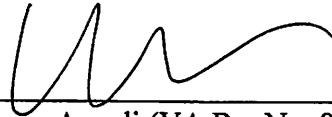
heard, until after Judge Buchanan's 30-day stay has expired. Warner Media did not object to the government's motion on the condition that it consent to extending the stay in this matter until the proposed hearing date of December 16, 2020.

10. Without a stay, Warner Media will be forced to disclose by December 2, 2020, information about tens of thousands of emails concerning its newsgathering and editorial activity, most of which likely have no connection to the government's investigation.

For the foregoing reasons, Warner Media respectfully requests that the Court extend the stay of Judge Buchanan's October 26, 2020 order through the hearing on Warner Media's Objections to and Appeal from Magistrate Judge's Denial of Motion to Quash or Modify Order Issued Pursuant to 18 U.S.C. § 2703(d).

Dated: November 20, 2020

Respectfully submitted,



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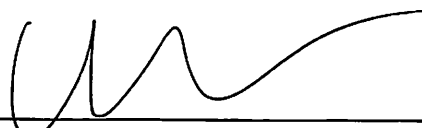
*Counsel for Warner Media LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of November, 2020, I filed the foregoing with the Clerk of the Court by hand and caused a true and correct copy of this under seal filing to be served on the following:

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